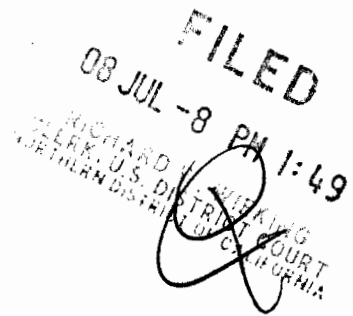


Original



MARLON MORRIS
P-96526, CSP-SACRAMENTO
P.O. Box 290066
Represa, CA 95671-0066

Petitioner Pro-Per

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

<p>MARLON MORRIS,</p> <p>Petitioner-Movant,</p> <p>vs.</p> <p>J. WALKER, Warden, et al.</p> <p>Respondent.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>No. C 08-2005 PJH (PR)</p> <p>PETITIONER'S FIRST MOTION FOR EXTENSION OF TIME (With Declaration In Support of Motion For Extension Of Time)</p>
--	--	--

Petitioner MARLON MORRIS, hereby moves this court for an order for an extension of time for period of 45 days. The reason why an extension of time is necessary is because petitioner has submitted a request for an Olsen review of his medical record so that he may obtain copies of pertaining to his mental illness. He is under the ADA American Disability Act. He intend to use his medical record in his motion in opposition to defendant's motion to dismiss. This motion is filed pursuant to F.R.C.P. Rule 6.1.

Petitioner is in the Correctional Clinical Case Management System (CCCMS). With these records he can demonstrate that he have been and is currently mentally incapable of representing himself during the finality of his initial appeal and now. An inmate friend of his is assisting him in this habeas corpus proceeding. (See declaration of Allen R. Turk in support of motion for extension of time) attached hereto as exhibit A.

1 Dated: July 6, 2008

Respectfully submitted,

2
3
4 Marlon Morris

5 MARLON MORRIS
6 Pro-Per
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DECLARATION OF ALLEN R. TURK, C-38102, IN SUPPORT OF
MOTION FOR EXTENSION OF TIME. No. C 08-2005
PJH (PR) EXHIBIT A.

ALLEN R. TURK
C-38102, CSP-SAC.
P.O. Box 290066
Represa, CA 95671-0066

STATE OF CALIFORNIA)
) SS: ALLEN R. TURK
COUNTY OF SACRAMENTO)
_____))

DECLARATION OF ALLEN TURK, IN SUPPORT OF MOTION FOR EXTENSION OF TIME IN THE
HABEAS CORPUS PROCEEDING OF MARLON MORRIS. No. C 08-2005 PJH (PR)

I, ALLEN R. TURK, declare as follows; that I am not a party in the habeas corpus proceeding of MARLON MORRIS. I am a prisoner of the State of California confined at CSP-SACRAMENTO, in the county of Sacramento. I am a friend of the petitioner and the person who has prepared the petition for writ of habeas corpus for MR. MORRIS. I am assisting him because he is undergoing psychiatric treatment under the Mental Health Care program instituted in the California Department of Corrections and Rehabilitation, Correctional Clinical Case management Case System (CCCMS).

On June 11, 2008, the attorney general submitted a motion to have his the petition dismissed. Immediately after receiving the copy from the AG's office I advised petitioner to request an interview with his psychiatrist for the purpose of scheduling an Olson's review of his medical records so that his psych records can be copied for the purpose of attaching it to the motion in Opposition to Defendant's motion to dismiss. Petitioner need these records to demonstrate to the court that he has been under mental health care since the year of 2000 to the current date. (See In re Olson (1974) 37 Cal.App.3d 783.)

I believe that petitioner is entitled to relief pursuant to the recent U.S. Supreme Court ruling in Cunningham v. California, 549 U.S. 270, because petitioner was undergoing treatment for mental illness at the time of the finalitt of his initial or direct appeal in 2002. When court appointed lawyer withdrew from the case after the Supreme Court denied review. Petitioner was not mentally fit to litigate his petition for writ of habeas corpus for relief under Appendi vs. New Jersey, 530 U.S. 466 (2000). He did not have funds to hire inmate assistance neither could he obtain legal help from the law clerks in prison law libraries until he met me here at New Folsom State Prison.

For the reason stated in this declaration, I respectfully requests that the court issue an order for a period of 45 days which will commence running the day the order is granted.

I, ALLEN R. TURK, declare under penalty of perjury that the foregoing is true and correct, and I stand ready to verify the statement given in this document.

Dated: July 6th, 2008

/s/ Allen R. Turk
declarant

PROOF OF SERVICE

(C.C.P. §§1013(a); 2015.5; 28 U.S.C. §1746)

I, Martin Morris, am over the age of eighteen (18) years,
and I (am) (am not) a party to the within cause of action. My address is: P-96526

CSF-SACRAMENTO
PO Box 29066
Repres, CA 95621-0066

On, July 6, 2008, I served the following documents:

Petitioner's First Motion For Extension of Time
With Deliberation in Support of Motion, Case No. C 08-2005 PJH (CPR).

on the below named individual(s) by depositing true and correct copies thereof in
the United State mail in Represa, California, with postage fully prepaid thereon,
addressed as follows:

1. <u>OFFICE OF THE CLERK</u>	2. <u>Gregory A. Ott</u>
<u>U.S. District Court N.12</u>	<u>Deputy Atty General</u>
<u>California, 450 Golden Gate Ave</u>	<u>455 Golden Gate Ave., # 11000</u>
<u>SAN FRANCISCO, CA 94102</u>	<u>SAN FRANCISCO, CA 94102</u>

I have read the above statements and declare under the penalty of perjury of
the laws of the State of California that the foregoing is true and correct.

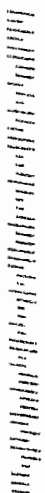
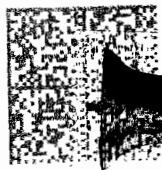
Executed this 6th day of July, 2008, at California State
Prison - Sacramento, Represa, California.

(Signature) Martin Morris

Mr. Marlon Morris
P-96526, CSP-Sacramento
P.O. Box 290066
Repeya, CA 95671-0066

OFFICE OF THE CLERK
U.S. District Court
No. 10, California
450 Golden Gate Ave.
San Francisco, CA 94102

Confidential legal mail



46 SP1P34 7/6/08